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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 FERDINAND SIMBULAN, an individual,
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13 Plaintiff,

14 vs.
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17 FIRST HORIZON HOME LOAN
18 CORPORATION, a division of FIRST
19 HORIZON NATIONAL CORPORATION, a
20 Tennessee corporation, GREEN TREE
21 SERVICING LLC, and DOES 1 through 40
22 inclusive,

23 Defendants.
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CASE NO. 12-cv-693-MMA (BGS)

**ORDER AFFIRMING THE
COURT'S TENTATIVE RULING;
AND**

**GRANTING DEFENDANTS FIRST
TENNESSEE AND GREEN
TREE'S MOTIONS TO DISMISS
WITH PREJUDICE; AND**

[Doc. Nos. 23, 27]

**DENYING DEFENDANT GREEN
TREE'S RENEWED MOTION TO
EXPUNGE LIS PENDENS AS
MOOT**

[Doc. No. 28]

23 This foreclosure-related action is before the Court on Defendants First Tennessee and
24 Green Tree's ("Defendants") Motions to Dismiss Plaintiff's First Amended Complaint, pursuant to
25 Federal Rule of Civil Procedure 12(b)(6). [Doc. Nos. 23, 27.] Also before the Court is Defendant
26 Green Tree's Renewed Motion to Expunge Lis Pendens. [Doc. No. 28.] On September 14, 2012,
27 the Court issued a tentative ruling granting Defendants' motions to dismiss, dismissing Plaintiff's
28 claims with prejudice, and denying Defendant Green Tree's motion to expunge lis pendens as

1 moot. [Doc. No. 34.] On September 17, 2012, the Court held a hearing on the motions.

2 Having considered the submissions of the parties and considered the arguments of counsel,
3 the Court **AFFIRMS** its tentative ruling for the reasons stated on the record during the hearing,
4 and in accordance therewith:

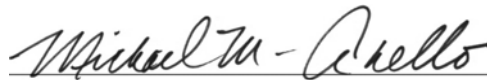
5 (1) The Court **GRANTS** Defendants' motions to dismiss, and dismisses all of Plaintiff's
6 claims **with prejudice**;

7 (2) The Court **DENIES** Defendant Green Tree's renewed motion to expunge lis pendens as
8 moot.

9 Accordingly, the Clerk of Court is instructed to enter judgment in favor of Defendants and
10 terminate this case.

11 **IT IS SO ORDERED.**

12 DATED: September 18, 2012

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14 Hon. Michael M. Anello
15 United States District Judge
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